

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,  
Plaintiff,

v.

WILLIAM WOLFE, et al.,  
Defendants.

:  
: No. C.A. 04-230-E  
: Magistrate Judge Baxter  
: District Judge Cohill

:  
:  
:

06 JUN 22 2006 10:29

CLERK  
U.S. DISTRICT COURT

**PLAINTIFF'S SWORN AFFIDAVIT AUTHENTICATING HIS EXHIBITS**

I HEREBY DECLARE UNDER PENALTY OF PERJURY, AND UPON MY OWN PERSONAL KNOWLEDGE, THAT THE UNDERLYING EXHIBITS ATTACHED HERETO ARE AUTHENTIC.

Exhibit "A"—Plaintiff's grievance submitted to SCI Albion, dated March 8, 2005.

Exhibit "B"—The Response to plaintiff's grievance by the Inmate Program Manager (which Mr. Barr initialed) stating plaintiff's transfer was due to litigation.

Exhibit "C"—Defendant, Superintendent Brooks Response, allowing plaintiff's return to SCI albion in resolution of the grievance.

Exhibit "D"—The transfer petition placed on plaintiff, stating that the transfer was being requested by defendant Barr, stating the separation was requested due to litigation against Barr, requested on February 15, 2005 (Plaintiff did not move to make Barr a defendant until March 7, 2005, Doc.#63).

Date: 6/18/06

Service was made by U.S.  
Class Mail this date to the  
Attorney General at 564  
Forbes Ave., Pgh. Pa. 15219

Respectfully Submitted,

  
Anthony DeFranco CZ-3518  
10745 Route 18  
Albion, Pa. 16475-0002

DC-804  
Part 1

SCI - Smithfield

MAR 15 2005

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

112276

GRIEVANCE NUMBER

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Super / Mr. Barr</i>	FACILITY: ACB/AD	DATE: 3/8/05
FROM: (INMATE NAME & NUMBER) Anthony DeFranco C2-3518	SIGNATURE OF INMATE: <i>Anthony DeFranco</i>	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: at SCI - Smithfield	

## INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

## A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

This is in regards to a retaliatory transfer that I have been saying would happen for years - in which the Federal courts are aware. During a interview this date, it was told to me by SCI Smithfield officials that I was moved for making Mr. Barr a Defendant, which created a "Conflict of Interest". The DOC has moved me approx. 4 hours away from home, just as I predicted on paper previously. As Mr. Barr knows, this clear action is no reason to Transfer me. He distributes almost all grievances filed to other staff to handle (which I can prove). So, moving me from my home jail was strictly retaliatory, which has cost my family considerable hardship. It has cost me my job, paying job, which has kept me surviving (money wise) in prison. As the DOC knows, when an inmate files suit on the Superintendent he is not automatically removed (and the Super. must review all grievance appeals). I am requesting my immediate return to SCI Albion - in reactivation, before this retaliatory transfer which has caused all this damage.

## B. List actions taken and staff you have contacted, before submitting this grievance:

Spoke w/ SCI Smithfield officials who said this is why I was moved. No law clerk job available now.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*2/15/05 for WAB*  
Signature of Facility Grievance Coordinator

3-15-05

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised

EXHIBIT "A"

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

112276

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
DeFranco, Anthony CZ-3518	SCI Albion	B/B 49	3/15/05

The following is a summary of my findings regarding your grievance:

Mr. DeFranco has a formal separation in place from Mr. Barr. It is felt that based on pending litigation it is in the best interest of all parties that he not be housed at SCI-Albion. No inmate has the right to determine where he or she will be housed.

**Inmate was not available for signature as he is currently at SCI-Smithfield.**

RESOLVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Inmate's Signature

UNRESOLVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Inmate's Signature

cc: Original – Ms. McWilliams  
Grievance Officer  
Inmate  
DC-15

WAB 3-29-05

Print Name and Title of Grievance Officer	SIGNATURE OF GRIEVANCE OFFICER	DATE
Ronald J. Bryant, CCPM	<u>Bryant</u>	3/28/05

EXHIBIT "B"

**COMMONWEALTH OF PENNSYLVANIA**  
**Department of Corrections**  
**State Correctional Institution at Albion**  
**(814) 756-5778**  
**May 10, 2005**

**SUBJECT: APPEAL TO SUPERINTENDENT  
GRIEVANCE #112276**

**TO:** Anthony DeFranco  
CZ-3518  
SCI-Smithfield

**FROM:**   
Marilyn S. Brooks  
Superintendent

I have reviewed the original grievance and the Grievance Officer's response.

I do not find an appeal on file for 112276. However, I will allow you to be returned to SCI-Albion in resolution of the grievance.

Your transfer back to SCI-Albion will be done as a routine transfer and will be done when it can be scheduled. In anticipation of property shipment, if you are over the allowable limit and it is shipped by means other than the DOC, payment for shipping will be your responsibility.

Upon return you will be housed according to your classification.

After thorough review and evaluation, I amend the Grievance Officer's decision.

MSB/ljm

cc: Deputy Harlow  
Deputy Wilkes  
Mr. Bryant  
Superintendent's Assistant  
DC-15  
File

**"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims"**

Case 1:04-cv-00230-MBC-SPB Document 153 Filed 02/23/2006 Page 1 of 12



## Pennsylvania Department of Corrections

Return to DocNet

dkagarise 4/20/2006 4:17:51 PM

Transfer Petition System - Permanent Petition

Production

DOC Info

Inmate Info \ Reports \ Photos \ JNET

Inquiry \ Reports \ Help

Inmate #: CZ3518 ACTIVE  
Race: White  
SID: 149-70-82-7Name: DEFARNO, Anthony Wayne Cust Lvl: 3 Prog Cd: Y,Z Perm Loc: Smithfield  
DOB: 12/23/1963 Sex: Male Housing Unit: C-A-1016-01 Temp Loc:  
FBI #: 242913AA6 PBPP #: Counselor:

Detainers: YES

Problematic offense:  
YES

Cancel

Purpose Of Transfer: Adm./Separation		Other:
Priority Transfer: NO		Approval Required: (Applies to CCC or PV return only)
From: ALB - ALBION		To: SMI - SMITHFIELD
Requesting Official: Habursky, Christine Marie		
Status: Transferred		
Approved by: Williamson, Donald		
Approval Comments: PER REVIEW BY CENTRAL OFFICE PSYCH. STAFF		
Layover Location:		Trip Id: 037-B1-03/08/2005
Layover Comments:		Request Date: 2/15/2005 11:09:10 AM
		Approval Date: 2/23/2005 2:24:50 PM
		History Date: 3/8/2005 3:04:57 PM
		Custody Level: 3
Sentence Explanation:		
Commutation: NO		Confidential Info: NO
Mental Health Transfer: NO		Other Info: NO
Individual Treatment Plan: YES		

Passenger List Comments: Panic Disorder without Agoraphobia		
Rationale for Transfer & Institutional Recommendations:		
Serving a Life sentence for Criminal Homicide. Detainer for Simple Assault. Escape History: 1982 Escape. Completed Citizenship and is currently a peer leader for Citizenship. Needs to complete A.O.D. Education and Violence Prevention. An Administrative/Separation transfer is being requested due to litigation against William Barr, SCI-Albion's Superintendent's Assitant. Mr. Barr is the Institutional Grievance Coordinator and doesn't want any potential problems between this inmate and future potential grievances.		

EXHIBIT "D"

*May 17, 2006*